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United States Attorney
District of Hawaii

SEALED
BY ORDER OF THE COURT

J. MICHAEL SEABRIGHT #3753
Assistant U.S. Attorney

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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MAR 05 2003
cl. 11 o'clock and 46 min. M.
WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. CRO3 001051	SON
)		
Plaintiff,)	INDICTMENT	
)	[18 U.S.C. § 1708	
vs.)	18 U.S.C. § 1029(a)(3);	
)	18 U.S.C. § 510(b) and (c)]	
WALTER HAYASHI,)		
)		
Defendant.)		
_____)		

INDICTMENT

The Grand Jury charges that:

COUNT 1

Between on or about June 8, 2002 and on or about June 11, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did unlawfully have in his possession, mail and articles and things contained in mail, which had been stolen and taken

from and out of a post office, post office station, and other authorized depository for mail matter, knowing that such mail had been stolen and taken, in that Defendant WALTER HAYASHI, who was then an employee of the United States Postal Service, had in his possession credit cards and other items that had been stolen and taken from the mail.

All in violation of Title 18, United States Code, Section 1708.

COUNT 2

Between on or about July 14 and on or about July 15, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did unlawfully have in his possession, mail and articles and things contained in mail, which had been stolen and taken from and out of a post office, post office station, and other authorized depository for mail matter, knowing that such mail had been stolen and taken, in that Defendant WALTER HAYASHI, who was then an employee of the United States Postal Service, had in his possession credit cards, bank cards, correspondence containing Personal Identification Numbers ("PINs") for credit cards and bank cards, correspondence containing internet passwords to brokerage accounts, and other items that had been stolen and taken from the mail.

All in violation of Title 18, United States Code, Section 1708.

COUNT 3

Between on or about July 14 and on or about July 15, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did knowingly and with intent to defraud possess fifteen or more unauthorized access devices, namely, credit card account numbers, Personal Identification Numbers ("PINs") for credit cards and bank cards, and internet passwords to brokerage accounts, which were in the names of other people, with said conduct having an effect on interstate commerce.

All in violation of Title 18, United States Code, Sections 1029(a)(3).

COUNT 4

On or about July 17, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did attempt to obtain by fraud and deception, from and out of a post office, post office station, and other authorized depository for mail matter, mail containing United States Treasury checks representing income tax refund payments, in that Defendant WALTER HAYASHI, while assigned to handle non-preferential class mail as a mail distribution clerk at the U.S. Postal Service Honolulu Processing and Distribution Center (also known as the Honolulu Airport Post Office), instead took first-class mail consisting of undelivered envelopes containing United States Treasury checks, which he had not been

assigned to handle, from the tray in which they were located and hid and concealed these envelopes among other trays of mail in furtherance of his attempt to obtain the United States Treasury checks, with the Treasury checks identified as follows:

<u>Check Number</u>	<u>Date of Check</u>	<u>Amount of Check</u>
04480797	07/12/02	\$ 573.46
04480798	07/12/02	\$ 1.72
04480799	07/12/02	\$ 2,447.00
04480800	07/12/02	\$ 734.00
04480801	07/12/02	\$ 352.00
04480802	07/12/02	\$ 1,045.28
04480803	07/12/02	\$ 813.36
04480804	07/12/02	\$ 2,848.28
04480805	07/12/02	\$ 295.77
04480806	07/12/02	\$ 182.35
04480807	07/12/02	\$ 185.96
04480808	07/12/02	\$ 903.00
04480809	07/12/02	\$ 17.14
04480810	07/12/02	\$ 2,149.38
04480811	07/12/02	\$ 1,158.76
04480812	07/12/02	\$ 348.22
04480813	07/12/02	\$ 167.16
04480814	07/12/02	\$ 350.04
04480815	07/12/02	\$ 455.90
04480816	07/12/02	\$ 400.10
04480817	07/12/02	\$ 334.26
04480818	07/12/02	\$ 479.00
04480819	07/12/02	\$ 2,554.13
04480820	07/12/02	\$ 387.00
04480821	07/12/02	\$ 100.61
04480822	07/12/02	\$ 53.68
04480823	07/12/02	\$ 2,677.87
04480824	07/12/02	\$ 534.81
04480825	07/12/02	\$ 727.77
04480826	07/12/02	\$ 295.77
04480827	07/12/02	\$ 1.53
04480828	07/12/02	\$ 4.85
04480829	07/12/02	\$ 250.19
04480830	07/12/02	\$ 1,177.00
04480831	07/12/02	\$ 190.05
04480832	07/12/02	\$ 2,052.14
04480833	07/12/02	\$ 816.40
04480834	07/12/02	\$ 199.22

<u>Check Number</u>	<u>Date of Check</u>	<u>Amount of Check</u>
04480835	07/12/02	\$ 1,754.77
04480836	07/12/02	\$ 1,416.04
04480837	07/12/02	\$ 802.67
04480838	07/12/02	\$ 325.65
04480839	07/12/02	\$ 21.90
04480840	07/12/02	\$ 36.05
04480841	07/12/02	\$ 57.86
04480842	07/12/02	\$ 305.90
04480843	07/12/02	\$ 8,843.00
04480844	07/12/02	\$ 303.87
04480845	07/12/02	\$ 333.48
04480846	07/12/02	\$ 31.00

All in violation of Title 18, United States Code,
Section 1708.

COUNT 5

On or about July 17, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did steal and take from and out of a post office, post office station, and other authorized depository for mail matter, letters and mail, in that Defendant WALTER HAYASHI, who was then an employee of the United States Postal Service, stole and took from the Honolulu Airport Post Office where he worked, numerous items of mail, which he concealed in a large yellowish-brown envelope.

All in violation of Title 18, United States Code,
Section 1708.

COUNT 6

On or about July 17, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did unlawfully have in his

possession, mail which had been stolen and taken from and out of a post office, post office station, and other authorized depository for mail matter, knowing that such mail had been stolen and taken, in that Defendant WALTER HAYASHI, who was then an employee of the United States Postal Service, had in his possession undelivered envelopes containing the following United States Treasury checks representing income tax refund payments:

<u>Check Number</u>	<u>Date of Check</u>	<u>Amount of Check</u>
04480871	07/12/02	\$ 3,038.71
04480872	07/12/02	\$ 2,179.28
04480875	07/12/02	\$ 3,687.00
04480898	07/12/02	\$ 2,804.87
04480899	07/12/02	\$34,578.66
04480900	07/12/02	\$ 2,159.98
04480901	07/12/02	\$11,157.00
04480906	07/12/02	\$ 2,604.28
04480914	07/12/02	\$ 2,170.00

All in violation of Title 18, United States Code, Section 1708.

COUNT 7

On or about July 17, 2002, in the District of Hawaii, Defendant, WALTER HAYASHI, did knowingly retain and conceal United States Treasury checks, each check having a face value of more than \$1,000, knowing that each check was stolen, with the stolen United States Treasury checks described as follows:

<u>Check Number</u>	<u>Date of Check</u>	<u>Amount of Check</u>
04480871	07/12/02	\$ 3,038.71
04480872	07/12/02	\$ 2,179.28

<u>Check Number</u>	<u>Date of Check</u>	<u>Amount of Check</u>
04480875	07/12/02	\$ 3,687.00
04480898	07/12/02	\$ 2,804.87
04480899	07/12/02	\$34,578.66
04480900	07/12/02	\$ 2,159.98
04480901	07/12/02	\$11,157.00
04480906	07/12/02	\$ 2,604.28
04480914	07/12/02	\$ 2,170.00

All in violation of Title 18, United States Code,
Section 510(b).

COUNT 8

On or about July 23, 2002, in the District of Hawaii, Defendant, WALTER HAYASHI, did unlawfully have in his possession, mail and articles and things contained in mail, which had been stolen and taken from and out of a post office, post office station, and other authorized depository for mail matter, knowing that such mail had been stolen and taken, in that Defendant WALTER HAYASHI had in his possession numerous credit cards, United States Treasury checks, and other items that had been stolen and taken from the mail.

All in violation of Title 18, United States Code,
Section 1708.

COUNT 9

On or about July 23, 2002, in the District of Hawaii, Defendant WALTER HAYASHI, did knowingly retain and conceal United

States Treasury checks, knowing that each check was stolen, with the stolen United States Treasury checks described as follows:

<u>Check Number</u>	<u>Date of Check</u>	<u>Amount of Check</u>
8522-03267633	6/7/2002	\$100.00
8522-04327337	6/7/2002	\$ 23.70

All in violation of Title 18, United States Code, Sections 510(b) and 510(c).

DATED: March 5, 2003, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii



J. MICHAEL SEABRIGHT
Assistant U.S. Attorney



CRAIG H. NAKAMURA
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